

Z-83-94 Sandy Forks Road and Falls of Neuse Road, and both sides of Hunting Ridge Road Extension, being Parcels 4725, Block 13; Parcel 7783, Block 03; and Parcel 8815 and Block 02, Tax Map 1717.13. Approximately 24 acres zoned Shopping Center Conditional Use, Residential 15 Conditional Use and Residential-4 Conditional Use.

Conditions:

R-4 CUD Restrictions

1. R-4 CUD areas shall be subdivided so that the average single family home lot on the east side of Suburban Drive shall not be less in size than the average single family lot on the west side of Suburban Drive. (Subdivision of R-4 CUD land that does not already possess Suburban Drive frontage is contingent upon combination of the R-4 CUD area with the adjacent 30+ wide strip of land along Suburban Drive, PIN # 1717.13 02 8660. R-4 CUD areas not used for single family detached lots shall remain undisturbed pursuant to Subsection C herein).

2. Homes constructed in R-4 CUD areas on the east side of Suburban Drive shall meet or exceed minimum size requirements set forth in the restrictive covenants for North Haven Subdivision recorded in Book 2049 Page 168, Wake County Registry. All homes shall have a garage or carport.

3. R-4 CUD areas shall be used for single family detached homes and accessory structures and uses only. No tree removal shall occur except in conjunction with construction and subsequent maintenance of the single family homes and accessory structures and uses or in accord with accepted horticultural practices in treating diseased plant specimens, removal of unsafe and dead trees, or for the installation of utilities, drives, sidewalks, streets, pedestrian walkways and similar improvements approved by the appropriate local government authority.

Shopping Center CUD Restrictions

1. Upon development, storm water discharge shall comply with the provisions of CR 7107.

2. Buildings in Shopping Center CUD areas shall not exceed two stories (30') in height. Residential dwellings, other than single family detached shall not be allowed in Shopping Center CUD areas.

3. Suburban Drive Boundary: A six foot high closed wooden fence shall be constructed and maintained on or within ten feet of Shopping Center CUD property boundaries shared with areas zoned R-4 or R-4 CUD fronting on Suburban Drive. The fence shall be constructed with a "finished" side facing residential properties. Adjacent to the fence, evergreen species, such as Leyland Cypress shall be planted on six to eight foot centers. The fence shall not entitle the property owner to reduce the width of the full transitional protective yard otherwise required by the City of Raleigh landscape ordinance to less than thirty feet. No non-residential building shall be located closer than thirty feet to the transitional protective yard.

4. Lake Forest Drive Boundary: A 100 foot natural buffer shall be maintained in the area adjacent to and within 100 ft. of any point on the common property line of property designated as Wake County Pin #1717.13 03 4992, 1717.13 03 6910, 1717.13 03 7931, 1717.13 03 8981, and 1717.13 13 0922. No building shall be located closer than 30 feet to this 100-foot natural buffer. Existing vegetation in the buffer will remain undisturbed except to the extent necessary for treating diseased plant specimens or removing unsafe or dead trees, cutting nuisance vegetation or to the extent necessary to install fencing or berming required by the appropriate local government authorities. In the event construction of improvements within the Shopping Center CUD area requires a change in grade elevation at the edge of the 100-foot buffer, up to 15 feet of the buffer may be graded so as to accept one-half of the necessary slope (2-1 maximum) to achieve the elevation change. All graded areas shall be restored to meet City of Raleigh transitional yard requirements. Assuming owners of property herein above designated enter into an easement agreement dealing with maintenance responsibility, assumption of risk, etc., they will have the right to "use" the buffer area, and a closed fence will be constructed and maintained within fifteen feet of the southern boundary of the 100-foot buffer. An Offer of Easement shall be made prior to the issuance of any building permits for construction on property zoned SC CUD. The final fence design, height (minimum of six feet, eight if approved by the appropriate city agency) and location will be established at the time of City site plan approval. It is the intention of the owner that the fence be located at either the buffer boundary (not the property line) or at the top of the slope necessary for elevation change.

Note: the 100 foot buffer set forth herein is contingent upon the closing of the Hunting Ridge Road right-of-way between Suburban Drive and Falls of the Neuse Road by the appropriate governmental authority. Until or unless Hunting Ridge is closed, the natural buffer shall be thirty feet and no building shall be located within thirty feet of its southern boundary. The closed fence will be constructed within ten feet of the southern boundary of the buffer. Prior to the issuance of any building permits for construction on property zoned SC CUD, adjacent owners herein above set forth will be offered the right to use by easement the portion of the buffer abutting their lots north of the fence. Use of the SC CUD areas lying north of the Hunting Ridge Road right-of-way shall be restricted to uses allowed in the Office and Institution-1 district except that any residential dwellings shall be single family detached only.

5. Exterior lighting in the Shopping Center CUD area shall be aimed and/or shielded so as to prevent direct view of the light source from adjacent R-4 or R-4 CUD lots. Light poles within fifty feet of the common boundary shared with R-4 or R-4 CUD properties shall not exceed twenty-five feet (25') in height.

6. All refuse container(s) in the Shopping Center CUD area shall be screened by solid fencing so as not to be visible from the public street right-of-way. Refuse containers shall be located no closer than fifty feet from the common boundary of the subject property with adjacent R-4 or R-4 CUD property.

7. Heating ventilation and air conditioning units shall be screened so as to prevent direct view from adjacent residentially zoned lots or from the public street right-of-way. No mechanical or electrical equipment shall be visible above the building roofline. All exhaust fan outlets shall be directed so as not to emit vented air directly upon adjacent residential lots.

8. Concurrently with its filing with local government review agencies, the property owner shall forward by certified mail return receipt requested a copy of any site plan, subdivision plan and/or; initial building permit application for the subject property to the parties listed by the Wake County Tax office as owners of Pin#s

1717.13-03-2157,	1717.13-03-2236,	
1717.13-03-2335,	1717.13-03-2433,	1717.13-03-2732,
1717.13-03-3713,	1737.13-03-2534,	1717.13-03-2971,
1717.13-03-3981,	1717.13-03-4992,	1717.13-03-6910,
1717.13-03-7931,	1717.13-13-8981,	1717.13-13-0922,
1717.13-13-1942,	1717.13-13-2937,	1717.13-13-3988,
1717.13-13-3888,	1717.14-33-7958	1707.16-93-7497,
1717.13-93-2534,	1717.13-03-2079,	1717.13-03-3011,
1717.13-02-3953,	1717.13-02-3895,	1717.13-02-4880,
1717.13-02-6627,	1717.13-02-6596	1717.17-02-6476,
1717.17-02-6329,	1717.17-02-5370	1717.17-02-3163,
1717.17-02-4014	1717.13-02-8660	

9. Two or more asphalt paths with low level lighting shall be installed on the adjacent R-4 CUD property to allow pedestrian connections to Suburban Drive from the shopping center area. Locations and construction standards shall be subject to approval by the City of Raleigh.

10. Subject to construction plan approval by the appropriate government agency, the owner of the Shopping Center CUD property will at the time of issuance of building permits for construction on the SC CUD land contribute to the City of Raleigh one half of the construction cost of a "face lift" of the North Haven Subdivision entrance off of Sandy Forks Road. The facelift will include the elimination of the existing traffic circle and its replacement with a traditional "T" intersection. If the "face lift" improvements are not completed within five years of the deposit, the City shall return the funds in full to the then owner of the SC CUD property.

R-15 CUD Conditions

1. Residential density shall not exceed 168 dwelling units. Nothing herein shall prohibit or restrict the maintenance, repair, improvement or replacement of the existing apartment complex.